

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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W.P.No.15810 of 1997

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Dated 9th day of February, 2007

Between:

Kotagiri Venu and another ..
Petitioners

And

The Mandal Revenue Officer,
Lingapalem Mandal,
West Godavari District and two others ..
Respondents

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ORDER:

This writ petition is filed seeking a mandamus to declare the order dated 26.6.1997 passed by the 1st respondent, as arbitrary and illegal.

The brief facts of the case are that the petitioners purchased an extent of Ac.2.00 cents of land each under a registered sale deed dated 16.9.1981 out of an extent of Ac.7.05 cents of land in S.No.98 situated in Puppalavarigudem village and since then they have been in possession of the land and paying land revenue to the Government. The petitioners' grievance is that when they made representations to the 1st respondent for grant of house-site pattas to an extent of Ac.1.20 cents of land each in the same survey number, the 1st respondent, instead of issuing pattadar passbooks, passed the impugned order reducing their extents of land to Ac.1.88 cents and Ac.1.87 cents respectively.

Heard the learned counsel for both the parties.

From a perusal of the impugned order dated 26.6.1997, it is clear that certain entries in the revenue records were sought to be modified. Admittedly, under Section 9 of the Record of Rights Act, there is a provision of right of appeal, and the petitioners, without exhausting the remedy, have approached this Court and filed this writ

petition.

Hence, this Court is of the view that this writ petition is misconceived and the same is accordingly dismissed. However, the petitioners are directed to approach the appellate authority and file an appeal under Section 9 of Record of Rights Act, within a period of six weeks from the date of receipt of a copy of this order. Having regard to the fact that this Court granted interim stay of all further proceedings, the stay shall continue till the appeal is filed. No costs.

bcj

09.02.2007